

MCIA Response - Electrically Assisted Pedal Cycles (EAPC) Consultation 25th April 2024

The [consultation](#) proposes two changes to EAPC regulation:

- To amend the legal definition of how EAPCs are classified so that the maximum continuous rated power of the electric motor must not exceed 500 watts instead of 250 watts as set out in the current regulations.
- To allow 'twist and go' EAPCs to have throttle assistance up to 15.5mph (25km/h) without the need for type approval.

Do you support or oppose the proposed change to how EAPCs are classified so that the maximum continuous rated power of the electric motor must not exceed 500 Watts instead of 250 Watts as set out in the current regulations?

Oppose

1. As an industry we are already extremely concerned by the lack of enforcement of existing regulations which has resulted in the widespread use of illegal high-powered and/or modified EAPCs operating beyond their regulatory boundaries. The proposed changes will only exacerbate law enforcement's challenge of distinguishing between legal and illegal vehicles, complicating an already difficult task.
2. Increasing motor power and throttle assistance presents two major challenges for our industry. Firstly, it threatens to further erode our already well-regulated market and, secondly, it increases road safety risk through increased speeds, battery fire hazards and the encouragement of further illegal tampering.
3. Our industry has worked tirelessly to establish itself within the transport sector, adhering to rigorous standards and regulations to ensure the safety and quality of our products. These proposals would undermine investments and efforts made by countless businesses within our sector, which is why any changes to the regulatory landscape must consider the wider implications for all stakeholders and L-Category vehicles involved, including the potential impact on existing industries.
4. On further market erosion, permitting EAPCs with performance levels similar to motorcycles, without implementing commensurate regulatory measures, risks creating an uneven playing field that disadvantages our industry.
5. On increasing road safety risk, several unintended consequences present themselves:
 - The proposed increase in performance and acceleration would render EAPCs more like motorcycles than bicycles, endangering both riders, other road users and pedestrians, particularly given a lack of Personal Protective Equipment (PPE), mandatory training, insurance and registration requirements.
 - The larger batteries required for this enhanced power capability would result in heavier vehicles, posing heightened risks in the event of collisions, particularly with vulnerable road users such as cyclists and pedestrians.
 - Existing 250-watt motors already require stronger chains and accelerate wear on derailleurs more quickly compared to traditional bicycles. Doubling the power to a 500-watt motor will worsen these issues, placing significant torque on the vehicle's frame. Additionally, higher power will result in heavier loads being carried (the proposals specifically reference freight use) but there remains a lack of accompanying improved EAPC vehicle standards, such as stronger frames or improved brakes.
 - Tampering with EAPCs has already led to safety hazards, including battery fires, as highlighted by the London Fire Brigade's identification of e-bikes and e-scooters as the capital's fastest-growing fire risk. Increasing the motor power limit without adequate regulation would likely intensify these risks, potentially incentivising users to tamper with their vehicles to reach the new legal limit. We do not believe these proposals will have the opposite effect, as the consultation suggests.

- Whilst tampering already occurs, the 250-watt limit is also a limit on the standard motor size. The proposal to alter initial vehicle parameters by increasing the motor limit to 500-watts also increases the extra performance which can be attained through tampering. This will likely result in making tampering easier with more dangerous outcomes.
- Furthermore, deviating from the 250-watt limit (which the EU also adopts) will drive consumers towards unregulated, illegitimate markets for high-powered EAPCs and conversion kits, further exacerbating road safety and fire hazard concerns.
- While these proposals bring EAPCs closer to the performance levels of motorcycles, there is a glaring absence of accompanying measures to ensure vehicle quality assurance, adequate training, licensing, insurance, registration, and the mandatory use of PPE. This oversight is particularly concerning considering the diverse range of users, including elderly, disabled, and young individuals, who may lack the requisite skills and strength to safely manage the robust handling required for a 500-watt EAPC, especially whilst accelerating.
- The absence of requirements for competency testing and knowledge of the highway code poses further safety risks, as it fails to ensure that users are adequately prepared to operate high-powered EAPCs on public roads.

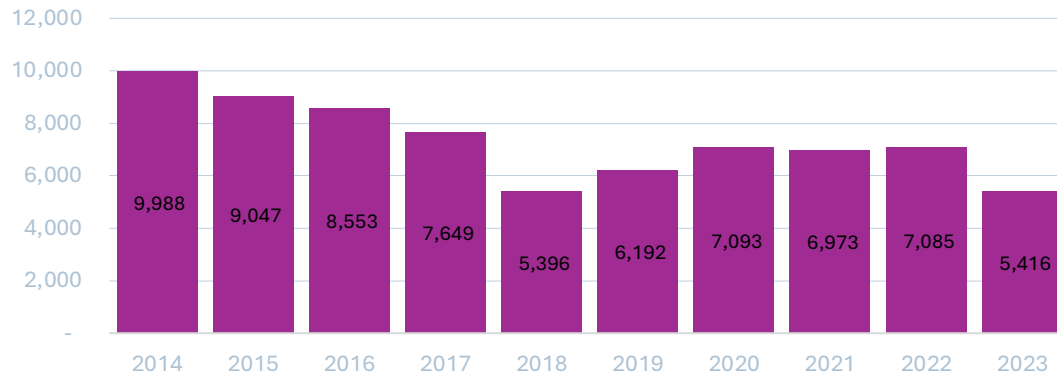
Do you support or oppose the proposed change to allow EAPCs to have throttle assistance up to 15.5 mph (25 kilometres per hour) without the need for type approval, instead of the existing 3.73 mph (6 kilometres per hour) as currently regulated?

Oppose

1. The proposal to remove the requirement to pedal in order to reach 15.5mph not only blurs the line between what constitutes an L-Category motor vehicle and a bicycle, but also fundamentally alters the legal definition of an EAPC.
2. Broadly speaking, regulation exists which is not dissimilar to what is being proposed - L1e-A (speed pedelec). This existing regulation considers construction standards (whole vehicle type approval), user training, licensing, registration, insurance and mandatory use of PPE.
3. While it is stipulated that the vehicle must still include functioning pedals, the elimination of the need to pedal essentially transforms the nature of the proposed vehicles, bringing them closer to the performance capabilities of a "speed pedelec."
4. It is crucial to recognise that "speed pedelec" users must be 16 years or older and are subject to a range of additional regulatory requirements, including taxation, MOT testing, licensing, and insurance. By allowing EAPCs to operate at similar performance levels without imposing comparable regulatory standards, the proposals create a disparity that unfairly disadvantages the L-Category sector. This discrepancy in regulatory burdens is neither equitable nor justifiable, particularly considering the established quality, performance, and safety standards of L-Category vehicles.
5. Furthermore, the increased performance capabilities outlined in the proposals will undermine the viability of the L-Category sector by introducing barriers to uptake that are disproportionate to the benefits offered. This not only hampers the competitiveness of our market but also jeopardises the investments and efforts made by businesses and individuals within the sector to adhere to existing regulatory frameworks.
6. "Figure One" illustrates the decline in the well-regulated moped market which has coincided with the growth in the EAPC market, and the emerging prevalence of the associated challenges outlined throughout this response.

7.

FIGURE ONE
Moped Sales 2014-2023
Source – MCIA Market Data



8. In light of these concerns, we strongly urge the Government to reconsider the proposed changes and to ensure that any regulatory adjustments are made with careful consideration of the broader implications on the market, consumer safety, and regulatory consistency.
9. Whilst we do not agree with these proposals, as per MCIA's joint Government Action Plan, we do advocate for a broader regulatory review which encompasses the entirety of the L-Category sector in a way that updates regulations for the evolving transport mix and caters for the inevitable evolution of products in a way that is fair and competitive for all.

Final Comments

1. MCIA stands in support of regulatory adaptation that promotes innovation while ensuring road safety and vehicle quality assurance. We advocate for the inclusion of a modernised regulatory framework within a Future of Transport Bill to address evolving market needs across the entirety of the L-Category spectrum.
2. MCIA's joint Action Plan with the Department for Transport underscores the importance of reviewing L-Category regulations to accommodate diverse vehicle types. Our proposed initiatives, such as introducing new vehicle categories and expanding L-Category regulation, aim to enhance safety and accountability in the transport sector.
3. Moreover, any alterations to regulations should not compromise road safety by blurring the distinction between motorcycles and bicycles, nor should they solely focus on increasing vehicle power and performance without addressing licensing and training requirements. Moving forward, we urge future consultations to encompass a broader range of vehicle types and to consider the full spectrum of regulatory options to ensure the safety and efficacy of our evolving transport landscape, as well as the UK industrial opportunities that need harnessing to accelerate to net zero.